

# REMARKS

A petition to extend the time for response by three (3) months is enclosed herewith.

Claims 9 and 12 – 14 have been amended. A new claim 15 depending from claim 13 has been added. Claims 8 – 15 are currently pending.

In the Office Action, claims 9 and 12 – 14 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Also, in the Office Action, claims 8 - 11 are rejected under 35 U.S.C. §102(b) as being anticipated by WO 98/33426.

Additionally, in the Office Action, claims 12 - 14 are rejected under 35 U.S.C. §103(a) over WO 98/33426 in view of DE 35 01 364.

With respect to the rejection of claims 9 and 12 – 14 under 35 U.S.C. §112, second paragraph, as being indefinite, Applicant has amended claims 9 and 12 – 14 to now provide structural limitations of the recited cover.

With respect to the rejection of claims 8 – 11 under 35 U.S.C. §102(b) as being anticipated by WO 98/33426 and the rejection of claims 12 - 14 under 35 U.S.C. §103(a) over WO 98/33426 in view of DE 35 01 364, favorable reconsideration is respectfully requested in view of the amendments of claims 9 and 12 – 14 and the following comments.

Claim 8 of the present application recites a dishwashing machine having a dishwashing machine housing with an internal height and a pair of retractable pull-out upper and lower containers mounted one above the other in the housing. Each of the retractable pull-out containers contains a dishwashing system and the upper and lower containers have a total height less than the internal housing height.

WO 98/33426 discloses a dishwashing machine that, according to Page 3 of the Office Action, comprises a dishwashing machine housing [Fig. 8] having an internal height; a pair of retractable pull-out upper and lower containers [202a, 202b] mounted one above the other in the housing; each of the containers containing a dishwashing system; and the containers have a total height less than the internal height of the housing as readily apparent to the examiner. The lower container capable of being arranged adjustably above a recess on the housing as is known in the art. The containers having different heights with the upper container having a height greater than the height of the lower container [Fig. 7].

DE 35 01 364 discloses two pairs of adjustable feet (2) for an appliance housing.

It is submitted that neither WO 98/33426 nor DE 35 01 364, either alone or in combination, teach or disclose the dishwashing machine recited in claim 8 of the present application. For example, WO 98/33426 does not teach or disclose a dishwashing machine having a housing whose sides and base are raised above a surface on which the dishwashing machine is supported. Instead, as seen, for example, in Figure 8 of WO 98/33426, that reference discloses a dishwashing machine having a housing whose sides extend to the surface on which the dishwashing machine is supported and whose base rests on the surface on which the dishwashing machine is supported. DE 35 01 364 does not teach or disclose that a dishwashing machine having upper and lower pull-out containers, as recited in claim 8 of the instant application.

Thus, it is accordingly believed to be clear that neither of the cited references, whether taken alone or in any combination, either show or suggest the features of claim 8 of the present application. Claim 8 is, therefore, believed to be patentable over the art and, since claims 9 - 14 are ultimately dependent on claim 8, it is submitted that claims 9 - 14 are patentable for at least the reason that claim 8 is patentable.

It is also submitted that new dependent claim 15 is patentable over the prior art of record for at least the reasons discussed above. In view of the foregoing, reconsideration and allowance of claims 8 - 14, and favorable consideration of claim 15, are solicited.

Respectfully submitted



Russell W. Warnock

Registration No. 32,860

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BSH Home Appliances Corp.  
100 Bosch Blvd  
New Bern, NC 28562  
Phone: 252-672-7927  
Fax: 714-845-2807  
russ.warnock@bshg.com